

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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LeCHRISTIAN STEPTOE,

Plaintiff,

v.

5:09-CV-1132 (NPM/DEP)

THE CITY OF SYRACUSE and
THE GENESEE GRAND HOTEL,

Defendants.

APPEARANCES

OF COUNSEL

LeCHRISTIAN STEPTOE

Plaintiff, pro se

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Robert W. Connolly, Esq.
Paul G. Ferrara, Esq.

NEAL P. McCURN, Senior U.S. District Court Judge

MEMORANDUM - DECISION AND ORDER

This is an action brought by plaintiff LeChristian Steptoe (“plaintiff”) pursuant to 42 U.S.C. § 1983, alleging a violation of his civil rights by defendants City of Syracuse and The Genesee Grande Hotel (“Hotel”). Currently before the court for consideration is a Report and Recommendation (“Report-Recommendation”) (Doc. No. 58) prepared on October 5, 2010 by the Honorable David E. Peebles, United States Magistrate Judge (“MJ Peebles”) pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.3(b) of the Northern District of New York, denying as premature the motion for summary judgment filed by plaintiff. On October 20, 2010, plaintiff filed a timely objection to the Report-Recommendation. Doc. No. 59. Among other things, plaintiff argues that his summary judgment motion proves that the Hotel is a state actor, and for this reason, summary judgment on his Section 1983 claims should be granted.

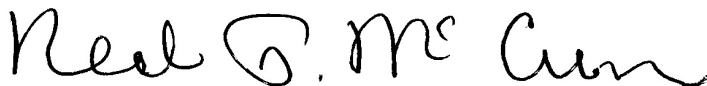
A district court reviewing a magistrate judge's report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Parties may raise objections to the magistrate judge's report and recommendation, but they must be “specific written” objections, and must be submitted “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed.R.Civ.P. 72(b)(2); see also 28 U.S.C. § 636(b)(1)(C). “Where, however, an

objecting party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report and Recommendation only for clear error.” Caldwell v. Crosset, 2010 WL 2346330 at * 1 (N.D.N.Y. 2010) (internal quotations omitted) (citing Farid v. Bouey, 554 F.Supp.2d 301, 307 (N.D.N.Y.2008)).

MJ Peebles has submitted a comprehensive and well-reasoned Report-Recommendation for the court’s review. The court has considered plaintiff’s objections to the Report-Recommendation and finds them unavailing, and a reiteration of his original arguments. In reviewing the Report-Recommendation for clear error, the court finds none. Accordingly, the Report-Recommendation issued by MJ Peebles is hereby approved and adopted in its entirety.

SO ORDERED.

December 15, 2010

A handwritten signature in black ink, reading "Neal P. McCurn". The signature is written in a cursive, flowing style. The first name "Neal" is written in a larger, more prominent script, followed by "P." and "McCurn". The signature is positioned above a horizontal line.

Neal P. McCurn
Senior U.S. District Judge